

UNAPPROVED MINUTES
PLANNING COMMISSION

October 16, 2013

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on October 16, 2013, there being present the following members of said Commission, to wit: Vicki G. Daulton, Jimmy W. Robertson, Bruce N. Thomasson, and Denise P. King (Samuel R. Carter, III – absent); with Vicki G. Daulton, Vice Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Judy L. Hough, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the minutes of the regular meeting and work session held on June 12, 2013, and the work session held on September 11, 2013, were approved as written – the roll call vote: all present - aye.

In re: Hold a public hearing to consider the request of GES Properties, LLC, property owner, and Buck Simmons, lessee, for the issuance of an "Use Not Provided For" Permit to allow an auction and consignment gallery on the property located at 2501 West Main Street (Tap Map #175-1-7)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of GES Properties, LLC, property owner, and Buck Simmons, lessee, for the issuance of an "Use Not Provided For" Permit to allow an auction and consignment gallery on the property located at 2501 West Main Street (Tap Map #175-1-7); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the October 3 and 10, 2013, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed October 4, 2013; and

WHEREAS, staff noted the following: the subject property consists of two parcels totaling 3.17 acres located on the north side of West Main Street, between Salem Industrial Drive and Diuguids Lane; the property is the site of the former 84 Lumber Company, which closed approximately two years ago; the smaller parcel, .57 acres, is vacant; the request is for an Use Not Provided For Permit to allow the building to be used for auctions as well as offering space to the public for sale of merchandise, both new and used; in addition, all out buildings will be used for the same purpose; the property owner has stated the front of the building, which is facing the street, will be repainted, and fencing will be installed where it was originally;

no structural changes will be made to the existing structure or outbuildings; it appears that there should be enough parking for the proposed use; however, a plan showing the parking spaces will be required prior to occupancy; and

WHEREAS, Buck Simmons, of 1000 S. College Avenue, lessee, appeared before the Commission in support of the "Use Not Provided For" Permit request; he noted that his plans are to conduct auctions inside this building and also to rent spaces in the building , and the building would be set aside for consignment; and

WHEREAS, Vice Chair Daulton asked Mr. Simmons if everything would be done inside the building and nothing on the outside; and Mr. Simmons noted that he could not say that everything would be conducted on the inside because this would really cause a problem; Mrs. Daulton asked him why this would be a problem; Commission Thomasson asked if he could define what could be on the outside of the property; Mr. Simmons noted that motor vehicles, like a camper or a trailer or something like that would be on the outside, and especially motor vehicles because he would run into problems with the insurance company with keeping vehicles with gasoline on the inside of the building; further, with the consignment business, he takes whatever people bring him; he noted if the Commission was familiar with the property, there are sheds around the back of the building that can be used to store items; and

WHEREAS, Commission Member King asked if he was talking about putting tables with items for sale outside under the sheds; Mr. Simmons noted that realistically he would like that, but he did not think they were going to get that done; his argument to that is if he sets a certain time that items are set outside say from 7:00 in the morning until 7:00 in the evening, and if his parking lot is vacant after that period of time, what will it really hurt; he noted that Salem does not like the word "flea market" because when we hear "flea market" we think of Happy's in Roanoke, but he does not have anything to do with that business; his point is that everyone in attendance has stopped at a yard sale or something of that type, and we may not have a flea market in Salem, but it is not going to stop it from happening; if he is not allowed to do this, then it is going to limit him to what he can do; and

WHEREAS, Commission Member Thomasson noted that once it gets started then it is hard to go back; the appearance of selling on the lot or a flea market, how do you control it; Mr. Simmons noted that it could be controlled very easily; it has to be connected to an auction gallery; not everyone is going to start an auction gallery to have a flea market; he understands what Mr. Thomasson is saying but would just anyone rent a building that is big enough to hold an auction so they could put some stuff outside and sell; more than likely not; if it is tied in with the auction business then it could limit the people who will sell there; he further discussed the

auction gallery and how it would work; he noted that he understood what the Commission was saying and with no disrespect to anyone, but right in the middle of the City at Charlotte's Web, no one can convince him that his place will look any worse than that does; and

WHEREAS, Commission Member Robertson asked him if he would be the only one there who would be consigning the merchandise or will there be other people renting or leasing the other buildings; Mr. Simmons noted that people would be able to rent spaces; further, the outside spaces would be rented by the week or month but he will have a certain period of time during the day that they can sell there; at the end of the day, it has to be moved or rent a space in the building; he further noted that he is not going to have the parking lot cluttered with a lot of junk every day of the week so at the end of the day the parking lot would not have anything permanent; and

WHEREAS, Vice Chair Daulton asked about the hours and days of operation; would it be seven days a week and 7 am to 7 pm, is that what he is thinking; Mr. Simmons noted that he did this some years ago in Salem, and he is not sure about the hours right now; he thinks it would start early in the morning and Friday and Saturday would probably be the basic days; the consignment shop would stay open during the week but that would be inside; the auctions would be based on the amount of merchandise; Mrs. Daulton asked if the auction would be outside, too, and he noted only if it is a big item; she also asked how frequently would there be an auction, and Mr. Simmons noted that he believes that he would have auctions once a week, but it depends if he has enough items to have one; and

WHEREAS, Commission Member King asked about a sign for the business; he noted that he would only have a sign on the building, and no one would be allowed to put up individual signs; she noted that there is a lot of traffic on West Main Street, and she is aware that people will stop sometimes in the middle of the road if they see a yard sale; he noted that he would not allow people to put up signs along the street to attract attention; and

WHEREAS, Commission Member King asked approximately how many individual tables would he anticipate renting; Mr. Simmons noted that he does not have the answer to this question, because he would have to allow space for parking, etc.; personally he would rather rent out the spaces under the shed because he can charge more money for that space; and

WHEREAS, Commission Member King asked how many parking spaces would he anticipate; he noted on auction night he would need at the most, maybe 50 or 100 spaces but it would depend on the items being sold; and

WHEREAS, Vice Chair Daulton noted that she has a concern about the tables being in the parking lot because to her this signifies a flea market; she asked if he would be consigning tables in the parking lot; Mr. Simmons noted that he would like to do that; she asked staff if this would be allowed; and

WHEREAS, Jay Taliaferro noted that he did not think the definition for flea market addresses consignment, he thinks it addresses outdoor sale of merchandise, which he believes would make it a flea market; he further read the definition: businesses engaged in the outdoor sale of used or new items involving regular or periodic merchandise for sale; and

WHEREAS, Vice Chair Daulton asked for a clarification of Mr. Simmons' request, which is a "Use Not Provided For Permit," and what would it allow him to do on this property; Mr. Taliaferro noted that it would allow him to do auctions or consignments; Mrs. Daulton asked if it was for the inside only, and Mr. Taliaferro noted it was for the inside; further, if the request was for outdoor sales then the request would have to be for a flea market additionally; and

WHEREAS, Mr. Simmons noted that he gathered he would have to give the City another \$775 and start over; and

WHEREAS, Commission Member Robertson asked if he would still like to do the auction and consignments within the building; Mr. Simmons asked if he could rent the shed buildings and put the tables under the shed; Mr. Taliaferro noted that the buildings would have to be enclosed; and

WHEREAS, Melinda Payne noted that she wanted to make sure that Mr. Simmons was clear on what he could do; she noted that the request before the Commission was for an Use Not Provided For Permit to allow an auction and consignment gallery; if the Commission approves the request, then he can do this on the inside the building; if he chooses to come back and ask for the outside for a flea market, then he could do that at another meeting; so, the Commission can only act on the item that is before them this evening; and

WHEREAS, there was a further discussion about enclosing the existing shed buildings, and the possibility of continuing the request until the next meeting of the Commission; Ms. Payne noted that if we continue the item, then staff could research the matter and give him some better guidance as to how to make it work with the current request; and

WHEREAS, Mr. Simmons noted that he did not want his business to be like Happy's Flea Market in Roanoke and the Commission noted that they did not want this either; he agreed

that he would like to continue the request until the next meeting of the Commission in order to give staff time to research the request further;

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the request of GES Properties, LLC, property owner, and Buck Simmons, lessee, for the issuance of an "Use Not Provided For" Permit to allow an auction and consignment gallery on the property located at 2501 West Main Street (Tap Map #175-1-7) is hereby continued to the November 13, 2013, Planning Commission hearing at the request of the petitioners – the roll call vote: all present – aye.

In re: Hold a public hearing to consider the request of Lance B. & Debra M. Duncan, property owners, and Boone Graham Gladden Thomas, LLC, contract purchaser, for rezoning two parcels located in the 2800 blk. of Franklin Street (Tax Map #s 271-1-1 & 290-1-1) from RSF Residential Single Family and AG Agricultural to PUD Planned Unit District with voluntarily proffered conditions)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Lance B. & Debra M. Duncan, property owners, and Boone Graham Gladden Thomas, LLC, contract purchaser, for rezoning two parcels located in the 2800 blk. of Franklin Street (Tax Map #s 271-1-1 & 290-1-1) from RSF Residential Single Family and AG Agricultural to PUD Planned Unit District with voluntarily proffered conditions; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the October 3 and 10, 2013, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed October 4, 2013; and

WHEREAS, staff noted the following: the subject property consists of two parcels of land totaling approximately 34.5 acres; it lies along the west side of Franklin Street, between Niblick Drive and Upland Drive, and is adjacent to the Phillips Brook and West Club Forest subdivisions; Parcel 290-1-1 is zoned Residential Single Family and is occupied by a two-story house, and Parcel 271-1-1 is mostly vacant agricultural fields and forested land but also contains a barn; this request is to rezone both properties to Planned Unit District (PUD), to allow 15 residential lots of approximately one (1) acre each, as well as the preservation of a large area of land for related recreational and agricultural uses for the residents; the developer also is requesting preliminary subdivision approval; a final subdivision plat and plan for the development must be submitted, which requires Planning Commission's approval; the intent of the Planned Unit

District is to “encourage flexibility in the design and development of land” and allows for the “management of the natural and scenic qualities of vacant land;” the PUD allows a variety of use types, typically mixing residential with commercial, office, and civic types; in the case of this request, the uses being proposed are only residential, agricultural, and recreational, and all allowed uses must be approved under this request; all written and graphic information submitted by the applicant as part of the application process constitutes a conditional zoning proffer; the proposal provides approximately 12 acres of Open Space land, or 35% of the total acreage, and includes the bottomland and pasture along the Franklin Street frontage, as well as hillsides facing Franklin Street and the hillsides on the western edge of the property; the development would include amenities for the residents such as a trail and a private road for access to the residences; it also would allow equestrian uses such as stables and pasture, community gardens, horticulture, hay production, and the keeping of horses, goats, cows, and chickens in the agricultural zoned areas; recreational uses may include, but are not limited to, trails, picnic tables, gazebos, and playgrounds for the use of the residents; the developer is proposing a privately-maintained road as part of the Planned Unit Development; the width of this road will be approximately 20 feet, with a 40-foot right-of-way; it will utilize an existing entrance near the south edge of the property; all utilities will be public and will be located underground; the developer has proposed dedicating up to 25 feet from the centerline of Franklin Street to allow for a future road widening; this right-of-way has not been proffered at this time; and

WHEREAS, Commission Member Thomasson noted he would need to recuse himself from the discussion on Item #2 & 3 as Mr. Brad Graham is a family member; Bill Maxwell also recused himself as he has represented the Duncans in the past; and

WHEREAS, Sean Horne of Balzer and Associates, representing the contract purchaser and the property owners, appeared before the Commission explaining the rezoning request to the Commission; he noted that Mr. Brad Graham with BGGT is in attendance and will be available to answer questions; he placed a copy of the master plan showing the proposed development on display for the Commission and the audience; he noted that the request is to rezone the subject properties, which is approximately 35 acres, to a PUD district to allow for a low-density, private-road subdivision; they are proffering that no more than 15 lots will be constructed and this includes the possibility of Mr. Duncan’s property being divided into 3 parcels in the future; the primary development would be on the existing AG Agricultural parcel, and there is a proposed private road that would basically follow Mr. Duncan’s driveway up to a point and then veer off along the top of the ridge; a primary component of the plan is the preservation of open space and obviously this is a more rural setting in this area of Franklin Street; presently they are proffering 35% open space for the project and with the current layout

on the master plan, they have about 50% shown; they are building in a little bit of flexibility for potential purchasers down the road as there has been some interest from people wanting two acres, three acres, etc.; he believes that the 35% open space is well above what is required for open space in the PUD; they would be preserving the field along Franklin Street with the creek and floodplain, and also a majority of the hillside would be preserved; from a visual perception driving along Franklin Street, there will be very little change, which is the overall goal to maintain the rural feel; the intent is to develop the open space into both active and passive recreational uses, probably with a combination of trails, primarily centered around the equestrian uses, the potential of a stable and the keeping of horses, etc.; they did include cows and goats in the agriculture uses and Mr. Graham can address that more, but the idea is that it would be a “gentleman’s” farm type setting; the home sites would start in the mid \$400,000 and likely would wind up more in the \$500,00-600,000 range; the vision is for a craftsman style house, a little bit different than a typical colonial; the project would be served by City water and sewer, and he explained further about the locations for those services; he noted that the proposed road would be private and would be maintained by the homeowners’ association; the culverts at the entrance to the development will be replaced due to the current condition; he further explained the culvert replacement as well as the entrance to the development; the site distance is adequate, over 320’ in each direction, and the speed limit is posted at 25 MPH in this area, and he believes that the minimum site distance is 280’; finally, the master plan submitted to the City on this date is proffered; in addition, the development regulations listed on the plan are proffered as well as the development pattern; so anything that is outside of substantial conformance with this plan would have to come back to the City for review and approval; there would not be any lots fronting on Franklin Street and there would not be any homes built in the field; he further noted that anything submitted with the request is considered a proffered condition, which is part of the PUD regulations; and further, he noted that he would be glad to address any questions; and

WHEREAS, Commission Member King asked about the number of lots as she only saw 12 lots on the plan, but he had indicated there would be 15 lots; Mr. Horne noted that they are showing 11 lots currently on the AG portion of the property, and Mr. Duncan is retaining the portion where his house is located for his benefit and future livelihood; they have allowed for two more potential tracts on his portion; and in addition, they added one more lot, which brings the total to 15, since they have more than the required open space; he further discussed the PUD and noted they have basically laid out the lots based on anticipated house footprints; it is typical with a PUD to have some flexibility in the event that the market changes or if someone wants a larger parcel, say two or three acres; in addition, he noted he wanted to point out that the lots backing up to the Phillips Brook development would only be allowed by right residential family uses on those lots – no agricultural uses would be allowed on this piece of

property; and

WHEREAS, Vice Chair Daulton asked him to discuss the private road, i.e. width, etc.; Mr. Horne noted that based on the number of houses on the roadway, actually an 18' road would meet a low-density road by the Virginia Department of Transportation's standards; they had discussed with staff at one point a 22' road with 2' shoulders; then he and Mr. Graham met with the Engineering Department at the site and discussed going to a 20' paved road with 3' shoulders so essentially the road bed would be 26' wide; they feel that the 20' of pavement is more than adequate for this type of road and the number of homes; the road would be much more of an open, rural feel than we would typically find in subdivisions in the City; and

WHEREAS, Commission Member Robertson asked if there would be fencing requirements for the proposed animals that would be kept in the open space; Mr. Horne noted that absolutely the open space would have to be fenced for the horses or any other animals that would be kept there; and

WHEREAS, there was further discussion about the agricultural uses on the property currently zoned agricultural; Mr. Horne noted that it is just pasture land right now, and there are not any animals located on the property; and

WHEREAS, Commission Member Robertson noted that the Commission had a similar request awhile back and one of the questions that came up then was how would school buses be able to pick up children since the road is so narrow at the entrance to the development; Mr. Horne noted they have discussed re-doing the culverts and designing the road to accommodate public services, such as school buses and trash pickup; further, they have a culdesac at the top of the hill, and the culverts and road design are according to what would be required for those types of vehicles; these will still be maintained by the HOA but the idea is to have a road that is sufficient for public services; and

WHEREAS, Commission Member King asked what is the grade of the road? Mr. Horne noted they have placed a maximum of 19% grade on the road, and they feel there may be a short area that would be that high; but based on the grades they have looked at so far, it probably would be in the 17-18% grade in reality; he further noted that an 18% road grade is nothing unusual for a rural type setting around the area; the area where the houses and the driveways are mostly would be flat, probably in the 5% or less grade; and

WHEREAS, Commission Member King noted she is new to the Commission, and she stated she was asking the City Engineer this question; is a 20' wide pavement sufficient for a

subdivision of this size or should it be wider; Chuck Van Allman noted as a famous commercial used to say “wider is better” but this issue has been battled around for a while; the City does not have a standard for private roads, and Mr. Horne has mentioned low-yield developments with a standard of 18’ has been used; he has always defaulted to a standard width without curb of 24’; with this being said, his main concern is the density of the development; he noted that one thing that has changed is the number of lots; Mr. Horne noted that initially there were 7 lots and then it changed to 10 or 12; since they discussed the project, an additional 3 lots have been added due to some escalation in costs; Mr. Van Allman noted that he was under the assumption it was 7 tracts, and he is on the cusp for 14 or 15 lots; he cannot point to a number that 20’ is good and 22’ is bad, and decisions of this nature are made by various different groups; he will look at it based on right of way, turning out, sight distance, pavement type design, depth, but there is also a concern with public safety for school buses, fire trucks, etc.; and there was further discussion regarding the width of the private road and the size of the development; and

WHEREAS, Preston Poff of 2906 Franklin Street appeared before the Commission in opposition to the development; he pointed out on the plan where his house is located on a curve just up the street from the proposed development; he noted that it is a very serious concern with people racing up the street acting like nuts, and they do not need any more people using the road in this area; the subdivision when it was first discussed was supposed to be 7 lots, and he can deal with that number; but now it is 15, and he cannot deal with that; further, he cannot deal with the road coming out where it is and feels that it has to go back the other direction; this is just ridiculous, and it is making him mad; they cannot walk on the road any more, and this man is proposing something that is ridiculous; he pleaded with the Commission to hold off on their decision and go drive the road and see how they like it; further, they live there not the Commission; and

WHEREAS, Tracy Shumate of 2937 Phillips Brook Lane appeared before the Commission questioning the development; she has spoken with several of her neighbors and they echo some of the same concerns; for those that drive Franklin Street every day, the proposed location of the entrance to the development is the most dangerous part of the road; she stated that she does not like to travel on this section of the road; she actually goes up Niblick and comes down Upland Drive to go back out and continue on Franklin Street because it is very narrow and only one lane; she noted that she has had to pull over many, many times due to oncoming traffic and pedestrians; she noted that she thought it would be better to have the entrance come out closer to Upland Drive where Franklin is a two lane roadway; she noted that there are a lot of blind spots, and it is a problem with the people who live there now; and

WHEREAS, John Graybill of 2813 Franklin Street, which is next door and adjacent to the

proposed widened entrance, appeared before the Commission and noted that he is just echoing what the others have said; it is a narrow, busy road already, and they were under the impression that it was 7 or 8 lots so they are sad to hear it will be more; he hopes that the City would take a good look at the road because they have had numerous accidents right in front of their house especially right there on the turn; and

WHEREAS, Vice Chair Daulton asked if Mr. Horne or Mr. Graham if they would like to comment; Mr. Horne noted he wanted to address a couple of things; one, as part of the plan, they would proffer right of way dedication along Franklin Street for future widening; the right of way varies in this area from 15' to 30', and they will dedicate from the center line of the road over 25', which would allow for their half of a 50' right of way road; Franklin Street obviously has issues and has always had issues; there is development that is happening in Roanoke County that will have a far greater impact on the road than this development; the key here, in his opinion, while this property is zoned for agricultural today, the Comprehensive Plan calls for it to be residential in the future; a residential subdivision in the City of Salem allows for 9,000 square foot lots; to what extent we would have to make improvements on Franklin Street to get a fully-developed parcel with 9,000 square foot lots, he does not know because they have not looked at this; but the key is that the Comp Plan calls for this to be residential, and while there may have been some discussions on how to develop this property on what was feasible from a developability standpoint and from a financial standpoint, the application was made with the proposed number of lots; no one is saying that Franklin Street does not have issues, but they are going to dedicate the right of way to fix those issues as the City sees fit to do so; in addition, they are happy to discuss the proposed road width further with staff; and

WHEREAS, Commission Member Robertson noted that justification for the road width in his mind are the comments and feedback from staff who have looked at the development; Mr. Horne asked if he was referring to the public services portion, and Mr. Robertson noted that he was referring to the public services, such as the fire chief, rescue vehicles, etc.; there was further discussion regarding the proposed entrance into the development; and

WHEREAS, Vice Chair Daulton noted that she lives on a private road, probably it is in the 18 to 19' width, and it is extremely dangerous when two cars are passing; so just coming from that perspective she can see where there is some concern; also, she noted the one comment about moving the road, and asked Mr. Horne if he could address this comment; Mr. Horne noted he wanted to explain the topo map to everyone; each of the lines shown on the topo represents 2' in elevation change; there is a much flatter area even though it looks steep going up the side of the slope and cutting across the ravine to be able to make up the road grade at a

18 or 19% grade; he noted on the plan if the road was moved to the area mentioned, he would have to put a scale on it but it is probably in the 25-30 % grade; further, if it had to be brought across the hill, from a construction standpoint, then we would end up with a retaining wall probably 8-10' tall; so this is not a feasible option; and he further discussed moving the road to an alternate location, and the sight distance at the proposed entrance; and

WHEREAS, Brad Graham of Boone Graham Gladden Thomas appeared before the Commission in support of the request; he noted as Mr. Horne had pointed out the property is shown on the Comprehensive Plan to be residential; Mr. Duncan has the right to try to maximize the value of his property; he took Len Boone and Alexander Boone up to look at the property and they stated it would be a shame to take this piece property and put 60 houses on it, but they can put that many houses up right now; they developed Emery Creek further up Franklin Street and also on the lower side they did Phillips Brook; additionally the Boones are developing the Ridge at Fairway Forest further up Franklin Street; the street is a problem and has been as long as he has been building, which is approximately 25 years; it has been on the 5, 10, and 15 year plan for improvements, and this is the City's problem; it does need to be fixed, and it will have to be fixed; he noted that the Ridge at Fairway Forest will have approximately 100 lots, and this is located at the top of Franklin Street; so when we add that to Phillips Brook and all the traffic that is coming out of West Club Forest, it is going to be overcrowded, and this is not really related to the proposed 12 or 15 lots in this development; his plan is for his family to live there in this development; they currently have a horse that is kept in Natural Bridge so they are driving up and down the interstate four times a week; further, he noted the Simms farm and stated would we rather have something that looks like the Simms Farm or Karen Hills; Mr. Duncan can come back with a "Karen Hills" plan, and this is not a threat because it could be developed just like that; however, they do not want to do that; he is kind of shocked that anyone would have a problem with this development because it has so much of a percentage of open space; so, why do they have to have more lots than the original plan; initially when they sat down with City staff to discuss the development, they were going to have a small private street and people were going to have to bring their trash totes down to Franklin Street just like Mr. Duncan does on the back of his car currently; in addition, they were looking at multiple, long laterals for sewer and water so they started studying it, and the City decided they would like to see 1,400 feet of main water and sewer lines, fire hydrants, and public services; when they looked at that amount of infrastructure, the math did not work; if they stick with the most basic small road and long laterals, then they can have a development with fewer lots; so, they can stick with what they have proposed this evening or go back to the drawing board with Mr. Duncan and come up with a development with more lots; and to him this is a very easy choice; and

WHEREAS, Lance Duncan, property owner, appeared before the Commission in support of the request; he noted that when Mr. Graham built Phillips Brook Subdivision he opposed the development because he did not want to see 22 homes built on the property next to his; he said it before to City Council, and he will say it again, it has always been his dream to see a limited number of nice houses, and then Mr. Graham came up with the idea of having all the open space and this plan with 14 lots; he feels it is a beautiful plan to develop this land, and he would hate to have to build 60 houses next to him just to maximize the potential development costs and values of the land, but that is something they could do; he frankly does not like that idea, and if that is what they have to do, then he will more than likely just sell his house and move; he feels what the developer has come up with is a very neat plan with 14 really nice homes for 14 families who might want to entertain the idea of having horses, etc.; he noted that Franklin Street has some issues and he has seen bulldozers in the creek because people drive crazy but this is not his problem, it is not the street's problem, but it is the problem of people who drive crazy; he has heard two sides to the issue about the street, one group says if we straighten out Franklin Street, it will make it a race track, and the other group says we should leave the road crooked like it is because it keeps the traffic under control and requires a little more careful driving; but one thing is for certain, if they build 60 homes on this property, it will turn Franklin Street into a very busy freeway, and then the 100 houses being built up on the Ridge of Fairway Forest will really add to the problem; and of course, there is nothing we can do about that; but one thing we can do right now is limit the number of homes to be built on his property by approving the plan submitted by Mr. Graham this evening; he believes that the development will be a real complement to the City of Salem; and

WHEREAS, Mr. Horne noted that he and Mr. Graham have discussed how the pavement width will work with the right of way dedication, and they are in agreement to increase the road width to 22' and will be happy to make that revision to the plan, if it should pass; and

WHEREAS, Martha Nash of 2912 Franklin Street appeared before the Commission related to the proposed development; she noted they keep getting more and more development on this road; they have lived here since 1992 and not one thing has been done to the road; the road continues to be torn up every time a new subdivision is developed; further, it is a hazard to health to drive on this road; she asked why something could not be done to the road before any more property is developed; at some point, something is going to have to be done with the road; and she further noted the different developments that have been done along Franklin Street and now we have another proposed development; and

WHEREAS, Vice Chair Daulton noted that Virginia is a "by right" state, and the law states that a property owner has the right to sell his property and if it is zoned correctly then the

property can be developed as such; she noted that Mrs. Nash might want to voice her concerns to her City Council members; and

WHEREAS, Tracy Schumate asked if someone could clarify the future tracts shown on the plan; Mr. Horne noted that Mr. Duncan owns all the property currently; the parcel where his house is located is zoned Residential Single Family; with the current zoning on that parcel, he could build a road and develop his property just like Phillips Brook was developed; so the intent was to give him the option in the future to cut off two additional tracts from the parent tract that he is retaining so that he has future value in his property; however, the uses on this tract will only be those allowed in the RSF regulations and will not be the same uses as will be allowed on the larger tract; Mrs. Schumate noted that she is clear on the uses for this tract; she additionally noted that the way she understands it is that the tract is currently zoned this way, and that it may or may not be developed; Mr. Duncan noted that the plan shows this parcel being divided into 3 distinct parcels, not 22 parcels but 3, and then he would have the potential to develop those other two lots; he further noted that both are really nice building tracts; this would be extra earning potential in his old age if he would like to sell them; he further noted that some here may know that he used to do some building in the City; Mrs. Schumate asked if there would only be two houses, and Mr. Duncan said that it would just be two; and

WHEREAS, Mr. Graham noted that the first call he received regarding the property was from a family who just recently moved here from Tennessee; the lady was inquiring about the development and asked about putting a barn on their parcel; he told her there would be a common barn, and she stated that the only way they would be interested in the development would be to have three or four acres and their own barn; Mr. Graham told her that they would listen to them; with the PUD development it is designed to have flexibility, and the lots can be chopped however they determine; so if someone wants to purchase more land, then they may not end up with the 15 lots as stated; and

WHEREAS, Stuart Irby of 2804 Franklin Street appeared before the Commission; he noted that he likes the plan; he is looking up at the hill, and he does not think he will be able to see much more than he does currently; but the weakness is Franklin Street and with this tract, this is the only way in there that makes sense financially; he asked if anyone knows what Roanoke County is planning on doing on their portion of the street; he noted that sooner or later we are going to have to get together on this project because of all the development that is planned at the end of the road; he noted that he has lived there for nine years, and the cows left ten years ago; he further discussed the school buses that use the street, and the deterioration of the roadway; he further noted if this is not the forum for the road improvements discussion, then who or where is the forum; Vice Chair Daulton noted that City

Council would be the appropriate body to discuss the road improvements; and

WHEREAS, Melinda Payne noted that based on what is being asked she would venture that this would be something for the Metropolitan Planning Organization, which is part of the Regional Commission; this is conversation for the City to have with them; she noted that she is currently a member of this group as well as a City Council member; she would think this would be something that should be brought up there; further, she noted that Mrs. Daulton is correct that their gateway to the City is through their council members who they can share their concerns with about the road; further, she noted that they should not think the City does not

realize that Franklin Street is a problem, because we do; but it is going to take a great deal of money to fix it and money is a commodity these days; and

WHEREAS, Mr. Duncan noted he just had one question, which is going to provide more money for the City to fix Franklin Street one day, the taxes from 14 or 15 \$400,000 - \$600,000 homes or the taxes from 29 acres of agricultural land; Ms. Payne noted that was pretty easy to figure out; and

WHEREAS, Commission Member Robertson noted he would like to have a conversation with City staff later about the City buses on private roads; and

WHEREAS, Mr. Taliaferro noted at this point the Commission has four options: one would be recommend approval to City Council, two would be recommend approval with modifications to City Council, three would be to recommend denial, and four, the Commission has 90 days to decide what to do with the request so theoretically the Commission could wait until next meeting if members needed to do so; Commission Member Robertson asked if the proffers that were made this evening will stand; Mr. Taliaferro noted that this would be up to the petitioners, but the City would prefer that they submit them in writing prior to going to City Council; Mr. Horne noted that if they were to approve the request they will have something in writing submitted prior to the City Council public hearing; and

WHEREAS, Vice Chair Daulton noted that she did not see anything about there not being any other uses but residential on the property adjacent to the Phillips Brook subdivision; Mr. Horne noted that this has been noted on the master plan; basically, the intent is to have all the rules or conditions noted on one piece of paper so that City staff and his staff do not have to keep up with additional documents;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the

request of Lance B. & Debra M. Duncan, property owners, and Boone Graham Gladden Thomas, LLC, contract purchaser, for rezoning two parcels located in the 2800 blk. of Franklin Street (Tax Map #s 271-1-1 & 290-1-1) from RSF Residential Single Family and AG Agricultural to PUD Planned Unit District with voluntarily proffered conditions including the proffer to change the road width to 22' be approved – the roll call vote: Mr. Robertson – aye, Mrs. King – aye, Mr. Thomasson – abstaining, and Mrs. Daulton – aye.

In re: Request for preliminary approval of a proposed subdivision plat filed by Boone Graham Gladden Thomas LLC, contract purchaser, for Stone Ridge, to be located in the 2800 blk. of Franklin Street (Tax Map #s 271-1-1 and 290-1-1)

The Executive Secretary reported the Commission had received a request for preliminary approval of a proposed subdivision plat filed by Boone Graham Gladden Thomas LLC, contract purchaser, for Stone Ridge to be located in the 2800 blk. of Franklin Street (Tax Map #271-1-1 and 290-1-1); and

WHEREAS, Sean Horne of Balzer and Associates, representing the contract purchaser, appeared before the Commission explaining the request to subdivide the property; he noted that the Commission has heard all the information about this project in the previous item; and

WHEREAS, Vice Chair Daulton noted that the main concern was the width of the private road, and this has been addressed with the new proffer to widen the road to 22'; and coming from her she knows how dangerous this can be and she appreciates them making that change; and

WHEREAS, Commission Member King noted that the plan that was submitted with the request refers to the development as Stone Ridge and the request on the agenda has Heritage Downs; Mr. Horne noted that this is correct; everything was Stone Ridge and obviously the name may change; he noted that Mr. Graham had recently mentioned Heritage Downs but for clearly he would reference it as Stone Ridge since this is the name on the plan submitted; and

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the request for preliminary approval of a proposed subdivision plat filed by Boone Graham Gladden Thomas LLC, contract purchaser, for Stone Ridge to be located in the 2800 blk. of Franklin

Street (Tax Map #271-1-1 and 290-1-1) is hereby approved – the roll call vote being as follows:
Mr. Robertson – aye, Mrs. King – aye, Mr. Thomasson – abstaining, and Mrs. Daulton – aye.

There being no further business to come before the Commission, the same on motion
adjourned at 8:25 p.m.

Executive Secretary

Vice Chair